



Agenda

CITY CLERK'S OFFICE

DATE 3-1-10 TIME 11:15

SERVED BY Stephanie Lopez

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**AMENDED
AGENDA
PUBLIC UTILITIES COMMITTEE
MEETING
MAIN LIBRARY
145 WASHINGTON AVENUE
WEDNESDAY, MARCH 3, 2010
REGULAR MEETING – 5:00 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA

INFORMATIONAL ITEMS

5. Discussion and Possible Action on MOA Between the Buckman Direct Diversion Board and Santa Fe County for Implementation and Cost Sharing of the LC LP BWSA Through a Future DB Contract Change Order. (Kyle Harwood) **HANDOUT AT MEETING**
6. Status Report on Lobbyist in Washington D.C. for the Water Division. (Rick Carpenter) **VERBAL**
7. Update on Automated Meter Reading. (Peter Ortega)
8. Status on Implementation of "Paperless Billing" for Utility Billing. (Peter Ortega) **VERBAL**

CONSENT CALENDAR

9. Update on Current Water Supply Status. (Victor Archuleta)
10. BDD Project Manager's Monthly Project Exception Report. (Rick Carpenter)
11. Summary of Data Relating to Sewer Stoppages in the Sanitary Sewer System. (Bryan Romero)

12. Request for Approval of Amendment No. 1 to the Professional Services Agreement Between the City of Santa Fe and Stepwise Utility Advisors, LLC for the Amount of \$ 75,408.00 Inclusive of NMGRT. (Maya Martinez and Brian Snyder)

DISCUSSION ITEMS AND ACTION ITEMS

13. Discussion and Request for Approval of a Budget Adjustment Request (based on the BDD Board's Recommended Operating budget) to the BDD Project FY 09/10 Operations Budget. (Rick Carpenter)
14. Discussion and Request for Approval of the BDD Staffing and Training Program. (Rick Carpenter and Norm Gaume)
15. Discussion and Request for Approval of the FY 10/11 Operating Budget and Five-Year Operating Budget Projection. (Rick Carpenter and Angela Anderson)
16. Request for Approval of an Ordinance Amending Exhibit B Chapter 21 SFCC 1987 Refuse and Recycling Rate and Fee Schedule in Order to Increase Monthly Charges for Residential and Commercial Customers by 4.2% Per Year for Four Years; and Making Such Other Changes as are Necessary. (Bill de Grande) (Councilor Romero)
17. Request for Approval of an Ordinance Authorizing the Execution and Delivery of A Water Project Fund/Loan Grant Agreement By and Between the New Mexico Water Trust Board and the New Mexico Finance Authority (the "Lenders/Grantors") and the City of Santa Fe (the "Borrower/Grantee"), in the Amount of Four Million dollars (\$4,000,000), Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs of Construction of the Buckman Surface Water Direct Diversion Project, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely From Pledged Revenues; Certifying That the Loan/Grant Amount, Together With Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Ordinance; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan/Grant Agreement. **Project No. 170-WTB.** (Alan Hook) (Councilor Wurzburger)
 - a. Request for Approval of a BAR for \$16,000.00. (Alan Hook)
18. Request for Approval of an Ordinance Authorizing the Execution and Delivery of A Water Project Fund Loan/Grant Agreement By and Between the New Mexico Water Trust Board and the New Mexico Finance Authority (The "Lenders/Grantors") and The City of Santa Fe (The "Borrower/Grantee"), in the Amount of One Million Three Hundred Twenty-Four Thousand four Hundred Sixty Dollars (\$1,324,460), Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing Costs of the Borrower/Grantee's Watershed Management Project, and Solely in the Manner described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely From Pledged Revenues; Certifying That the Loan/Grant Amount, Together With Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken;

Repealing All Action Inconsistent With This Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan/Grant Agreement.
Project No. 171-WTB. (Dale Lyons) (Councilor Wurzburger)

a. Request for Approval of BAR for \$2,648,920.00. (Dale Lyons)

19. Request for Approval of Bill No. 2010-_____. An Ordinance Amending Rule 18 of Exhibit A, Chapter 25 SFCC 1987 Regarding Water Meters. (Brian Snyder and Matt O'Reilly) (Councilor Dominguez and Councilor Bushee)
20. Request for Approval of Bill No. 2010-_____. An Ordinance Amending Section 25-4.2 SFCC 1987 Regarding Water Rate Adjustments. (Brian Snyder) (Mayor Coss & Councilor Wurzburger)
21. Request for Approval of Resolution No. 2010-_____. A Resolution Adopting Administrative Procedures for Water Demand Offset Requirements. (Wendy Blackwell) (Councilor Calvert)
22. Request for Approval of Resolution No. 2010-_____. A Resolution Amending Resolution No. 2009-121 Consenting the Inclusion of the Municipality of the City of Santa Fe Within the Santa Fe County Renewable Energy Financing District. (Nick Schiavo) (Councilor Calvert)
23. Request for Resolution No. 2010-_____. A Resolution Adopting Landscape Irrigation Standards. (Dan Ransom) (Councilor Calvert)
24. Request for Approval of Resolution No. 2010-_____. A Resolution Authorizing the City of Santa Fe to Support a Living Santa Fe River by Allowing Water to Bypass McClure and Nichols Reservoirs in 2010. (Brian Drypolcher) (Mayor Coss, Councilor Calvert, Councilor Romero, Councilor Trujillo and Councilor Wurzburger)
25. Request of Approval of Resolution No. 2010-_____. A Resolution Amending Resolution No. 2009-84 Exhibit A, Guidelines for the City's Rebate Program for the Installation/Retrofit of Efficient Water Conservation Technologies, in Order to Include Additional Rebates for the Purchase of High Efficiency Clothes Washer. (Dan Ransom) (Councilor Calvert)

MATTERS FROM THE CITY ATTORNEY

ITEMS FROM STAFF

MATTERS FROM THE COMMITTEE

NEXT MEETING: WEDNESDAY, APRIL 7, 2010

ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

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PUBLIC UTILITIES COMMITTEE MEETING

Wednesday, March 3, 2010

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**MINUTES OF THE
CITY OF SANTA FE
PUBLIC UTILITIES COMMITTEE
Wednesday, March 3, 2010**

1. CALL TO ORDER

A meeting of the Public Utilities Committee was called to order by Councilor Rebecca Wurzburger, Chair, at approximately 5:00 p.m., on Wednesday, March 3, 2010, at the Main Library, 145 Washington Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Councilor Rebecca Wurzburger, Chair
Councilor Christopher Calvert
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

MEMBERS EXCUSED:

Councilor Matthew E. Ortiz

OTHERS PRESENT:

Brian Snyder, Acting Public Utilities Department Director
Stephanie Lopez, Public Utilities
Marcus Martinez, Assistant City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership present for conducting official business.

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference. The original Committee packet is on file in the Public Utilities Department.

3. APPROVAL OF AGENDA

Chair Wurzburger noted that Items #16 and #21 are postponed to the next meeting of the Committee, which is consistent with the action taken at the Finance Committee on Monday.

Council Calvert asked that staff be allowed to present the proposed changes, and those made at Finance in the event there are Committee comments.

Chair Wurzburger agreed to a brief presentation on Item #21, but said no action will be taken this evening.

Stephanie Trujillo asked that the caption for Item 17(a) be changed from \$16,000 to \$16 million.

MOTION: Councilor Trujillo moved, seconded by Councilor Calvert, to approve the Agenda, as amended.

VOTE: The motion was approved on a voice vote, with Councilors Trujillo and Calvert voting in favor of the motion, no one against, and Councilor Romero absent for the vote.

4. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve the following consent agenda as published.

VOTE: The motion was approved on a voice vote, with Councilors Trujillo and Calvert voting in favor of the motion, no one against, and Councilor Romero absent for the vote.

CONSENT CALENDAR

9. **UPDATE ON CURRENT WATER SUPPLY STATUS. (VICTOR ARCHULETA)**
10. **BDD PROJECT MANAGER'S MONTHLY PROJECT EXCEPTION REPORT. (RICK CARPENTER)**
11. **SUMMARY OF DATA RELATING TO SEWER STOPPAGES IN THE SANITARY SEWER SYSTEM. (BRYAN ROMERO)**
12. **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND STEPWISE UTILITY ADVISORS, LLC, FOR THE AMOUNT OF \$75,408.00, INCLUSIVE OF NMGR. (MAYA MARTINEZ AND BRIAN SNYDER)**

INFORMATIONAL ITEMS

5. **DISCUSSION AND POSSIBLE ACTION ON MOA BETWEEN THE BUCKMAN DIRECT DIVERSION BOARD AND SANTA FE COUNTY FOR IMPLEMENTATION AND COST SHARING OF THE LC LP BWSA THROUGH A FUTURE DB CONTRACT CHANGE ORDER. (KYLE HARWOOD)**

Kyle Harwood said he has no handout for the Committee.

Mr. Harwood said this item is slated to go before the BDD Board at its April meeting, and that Agenda item will contain the first half of two change orders to implement the infrastructure necessary to implement the bulk water agreement between LC LP and the County. He asked what level of detail this Committee would like to have.

Chair Wurzburger said she would like to hear no level of detail until the Committee has the actual agreement, and she would like to wait until that time.

6. STATUS REPORT ON LOBBYIST IN WASHINGTON, D.C., FOR THE WATER DIVISION. (RICK CARPENTER)

Rick Carpenter said he has been working with the Washington, D.C. lobbyist on the rural water program, and has met recently with the Bureau of Reclamation and Senator Bingman's staff. He said things are going fairly well and he hopes to have something tangible to bring to the Board in May, perhaps a plan of action.

Councilor Wurzburger asked Mr. Carpenter, when he brings that backed to the Committee, to provide a verbal update on the status of the contract with the lobbyist – the amount of the contract, was it renegotiated, etc. She noted this is the first time we've heard about this contract in some time. She would like for it to be a cumulative report, so we know what we have spent over time with this lobbyist group.

Mr. Carpenter said he will prepare the report as requested.

7. UPDATE ON AUTOMATED METER READING. (PETER ORTEGA)

Mr. Ortega noted there is a memorandum in the packet in this regard.

Responding to Councilor Calvert, Mr. Ortega said the unit had to be replaced if there is a dead battery because it is in a sealed container and it goes back to the manufacturer.

Councilor Calvert quoted from page 2 of the memorandum, "As a result the number of meters without an AMR increased to over 3,000." He asked if we are in the process of reinstalling all of the new ones which we have received.

Mr. Ortega said they are planning to do so, but the temperature has to be at certain temperature to do that. He said once the weather breaks, they will be using all their resources in meter reading as well as in the Water Division to reinstall the devices.

Councilor Calvert asked if the manufacturer is paying the costs of the reinstallation of the devices.

Mr. Ortega said he is working closely with Bill Cassel to get that done, and he has said that they will do so.

Councilor Calvert doesn't want to pay twice for a defective product.

Mr. Ortega said it will take time to do the reinstallation, so they will be moving forward as soon as possible.

Councilor Calvert said then we are going to move forward with the reinstallation and try and get reimbursed, and Mr. Ortega said this is correct.

Chair Wurzbarger asked, for the record, what the product deficiency is costing the City in terms of excess staff time.

Mr. Ortega said he doesn't have that information at this time.

Chair Wurzbarger asked Mr. Ortega and Mr. Martinez to begin tracking this right now, and setting a record for clear product deficiency having an impact on the City staff. She is concerned the company is sending only one person to assist with installation, and suggests it would be appropriate that if the company could send more than one person it would be a better show of good faith to resolve the issue.

Responding to Councilor Calvert, Mr. Ortega said the person actually is reinstalling the devices.

Chair Wurzbarger asked the number of City staff who are involved in reinstalling the devices.

Mr. Ortega said there will be more than one, reiterating they will be assisted by all of the meter readers, noting all of the meter readers are trained to reinstall the devices.

Chair Wurzbarger asked Mr. Ortega to investigate additional help to assist the City.

Councilor Trujillo asked if the failure of the devices is related to some of the "bum" meter readings.

Mr. Ortega said there are different reasons, but this could be one reason.

Councilor Romero arrived at the meeting

Chair Wurzbarger thanked Mr. Ortega for his thorough report, and looks forward to another update.

8. STATUS ON IMPLEMENTATION OF "PAPERLESS BILLING" FOR UTILITY BILLING. (PETER ORTEGA)

Mr. Ortega said, although he has no documentation, hopefully they will be ready to send water bills via email the first week of April 2010. He said he will be meeting with them this week and next week, and will look at the website, and for the next two weeks, he will be wrapping up loose ends. He said customers currently can pay their bills on line, and can enroll to have their bill sent to them electronically.

Councilor Calvert said this will mean no paper, as well as no postage, to get the bills to the customers which should generate a lot of savings in the long term.

Chair Wurzburger said the Committee looks forward to full implementation.

DISCUSSION AND ACTION ITEMS

13. DISCUSSION AND REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST (BASED ON THE BDD BOARD'S RECOMMENDED OPERATING BUDGET) TO THE BDD PROJECT (FY 09/10 OPERATIONS BUDGET. (RICK CARPENTER)

Rick Carpenter presented information regarding this matter from his Memorandum of January 25, 2010, which is in the Committee packet.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

14. DISCUSSION AND REQUEST FOR APPROVAL OF THE BDD STAFFING AND TRAINING PROGRAM. (RICK CARPENTER AND NORM GAUME)

Rick Carpenter reviewed the items in the Committee packet, noting there is a tight timeline, and they have to begin recruiting, hiring, training and certifying personnel in time to run the plant when it opens in May 2011.

Councilor Romero said she is pleased to see the ad for the BDD training and hiring. She said the outreach has been incredible and believes this is the reason for the overwhelming response and the need to move the training to the Civic Center.

Mr. Carpenter said the Board coined the term "grow your own," as part of its message to staff. He said they want to hire people who already are employed by the City or the County, and to use as many local employees as possible.

MOTION: Councilor Romero moved, seconded by Councilor Calvert, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

15. DISCUSSION AND REQUEST FOR APPROVAL OF THE FY 10/11 OPERATING BUDGET AND FIVE-YEAR OPERATING BUDGET PROJECTION. (RICK CARPENTER AND ANGELA ANDERSON)

Mr. Carpenter reviewed the information in his memorandum of January 27, 2010, which is in the packet, noting there is a summary spreadsheet in the packet and an electronic version is available which has multiple formulas. He said he has received County concurrence, and the budget will go to the BDD Board tomorrow for final approval.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

16. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING EXHIBIT B, CHAPTER 21 SFCC 1987, REFUSE AND RECYCLING RATE AND FEE SCHEDULE IN ORDER TO INCREASE MONTHLY CHARGES FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS BY 4.2% PER YEAR FOR FOUR YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR ROMERO). (BILL DeGRANDE)

This item was removed from the agenda and postponed to the meeting of April 7, 2010, which is consistent with the action taken at the Finance Committee on Monday.

17. REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT, BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY (THE "LENDERS/GRANTORS"), AND THE CITY OF SANTA FE (THE "BORROWER/GRANTEE") IN THE AMOUNT OF FOUR MILLION DOLLARS (\$4,000,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTION OF THE BUCKMAN SURFACE WATER DIRECT DIVERSION PROJECT, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN

CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT. PROJECT NO. 170-WTB. (COUNCILOR WURZBURGER). (ALAN HOOK)

- a) **REQUEST FOR APPROVAL OF BAR FOR ~~\$16,000.00~~ \$16,000,000.00 (ALAN HOOK).**

MOTION: Councilor Romero moved, seconded by Councilor Trujillo, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

18. **REQUEST FOR APPROVAL OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT, BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY (THE "LENDERS/GRANTORS"), AND THE CITY OF SANTA FE (THE "BORROWER/GRANTEE") IN THE AMOUNT OF ONE MILLION THREE HUNDRED TWENTY-FOUR THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$1,324,460), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF THE BORROWER/GRANTEE'S WATERSHED MANAGEMENT PROJECT, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT. PROJECT NO. 171-WTB (COUNCILOR WURZBURGER). (DALE LYONS)**
- a) **REQUEST FOR APPROVAL OF BAR FOR \$2,648,920.00. (DALE LYONS).**

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

19. **REQUEST FOR APPROVAL OF BILL NO. 2010- _____. AN ORDINANCE AMENDING RULE 18 OF EXHIBIT A, CHAPTER 25 SFCC 1987 REGARDING WATER METERS. (COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). (BRIAN SNYDER AND MATT O'REILLY)**

Brian Snyder presented information regarding this matter from his memorandum of February 22, 2010, which is in the Committee packet.

Councilor Calvert said this goes one way, and asked what happens to individually metered places in a strip mall, where there is one huge meter, and everyone paying a large pro rata share for the large meter.

Mr. Snyder said this is one of the reasons for this change. He said currently, the ordinance provides that a new tenant would have to individually meter. He said they would not be required to provide an individual meter under this change.

Councilor Calvert said Mr. Snyder is speaking of a building with multiple tenants, but he [Calvert] is talking about a strip mall where there are numerous building which are on one meter.

Mr. Snyder said in that situation, they would not meter individually.

Councilor Calvert said he understands what he is trying to do here. However, he is speaking of another situation which isn't covered in this ordinance, and said perhaps there should be a separate discussion on that.

Chair Wurzburger said she would prefer a separate discussion.

Councilor Calvert said he wants to be sure Mr. Snyder understands the situation before moving forward, and again described the situation which is his concern. This action is going in the other direction, and he wants to address this situation. Mr. Snyder said he understands.

Chair Wurzburger said direction to staff is to consider this issue and see if a piece of legislation needs to be developed around that issue.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

20. REQUEST FOR APPROVAL OF BILL NO. 2010- ____ . AN ORDINANCE AMENDING SECTION 25-4.2 SFCC 1987 REGARDING WATER RATE ADJUSTMENTS (MAYOR COSS & COUNCILOR WURZBURGER). (BRIAN SNYDER)

Brian Snyder presented information regarding this matter from his Memorandum of February 22, 2010, which is in the Committee packet.

Councilor Calvert asked if this is being done with someone particular in mind.

Mr. Snyder said there has been one request.

Chair Wurzburger said, however, there has been more than one complaint. She said this has

been an issue over the long term, and the Mayor has this complaint from more than one person, and she wants this clear for the record. She doesn't perceive this as being done for one business.

Responding to Councilor Calvert, Mr. Snyder said there was a concern about the rates for people in this situation, noting four did apply to receive the flat rate and there is one current request from The Water Bin.

Chair Wurzbarger said, "But I'm sure, knowing who it is would not necessarily influence our judgment with respect to a policy."

Councilor Romero said Mr. Snyder met with her and the consultant for an hour, just walking through the rates. She said her sense is that isn't what drove this clarification.

MOTION: Councilor Romero moved, seconded by Councilor Trujillo, to approve this request, with thanks to staff and the consultant for assisting her to understand the issues.

DISCUSSION: Chair Wurzbarger said they were unable to get Items #19 and #20 to the BQL for comment, and she asked that those be mailed to the BQL Committee so they could get comments to us before Council, and asked if that happened. Ms. Lopez said that was done.

VOTE: The motion was approved unanimously on a voice vote.

21. REQUEST FOR APPROVAL OF RESOLUTION NO. 2010- _____. A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR WATER DEMAND OFFSET REQUIREMENTS (COUNCILOR CALVERT). (WENDY BLACKWELL)

A copy of a Memorandum dated March 3, 2010, to the Public Utilities Committee, from Dale Lyons, Water Resource Coordinator, regarding staff recommendation to maintain a \$1,600 per afy administration fee for Water Demand Offset payment, is incorporated herewith to these minutes as Exhibit "1."

Chair Wurzbarger said the Finance Committee heard this on Monday, and requested that an opportunity be given to the business community, particularly the building community, to comment on the administrative procedures.

Councilor Calvert said this is his recollection, and he would like staff to present the amendments which were approved by the Finance Committee on Monday.

Ms. Blackwell said the administrative procedures were approved by the Finance Committee, along with the following proposed amendments to the procedures:

- 1. Amend Section 2.1.1(h) to provide that people would be allowed to bring a proportionate amount of water rights for an addition to an existing residential structure, rather than having to bring the entire amount.**

2. **Staff recommends adding an administrative fee of \$1,600 to the \$15,000 per afy. [See Exhibit "1" for specifics of this request]**
3. **Amend Section 2.4 of the procedures dealing with retrofits to extend the deadline to verify retrofits to the end of the fiscal year.**

Ms. Blackwell noted that the draft which has been provided to the Committee has changes in italics to make it easier to see what changes have been made.

Chair Wurzburger said she likes the proposed amendment to provide a proportionate share for additions which is more equitable.

Councilor Calvert said we are asking them to bring the portion of the water which hasn't been calculated in the water budget.

Ms. Blackwell said there have been no complaints, but the discussions have become more difficult for staff over the years.

Ms. Blackwell said the second proposed change deals with the old retrofit program for people who have completed their retrofits by December 31, 2009, which hasn't changed. She said at the time those people were given an additional month to bring their paperwork to get the retrofits verified/certified by staff, and there is a large number of people who haven't done this. The Finance Committee recommended giving them until the end of the fiscal year to get their retrofits certified. The individuals will be given until May 31, 2010, to submit the paperwork, and staff will verify whatever is received by June 30, 2010.

Chair Wurzburger said if this had been brought to the BQL, the builders on the committee would have caught this.

Dale Lyons reviewed the information in Exhibit "1." Please see Exhibit "1" for specifics of this presentation regarding the third proposed amendment.

Councilor Calvert said then basically Mr. Lyons is saying the \$1600 afy is comparable to the toilet retrofit fee if you calculate the number of toilets it takes for 1 afy water.

Councilor Romero asked if the fee is waived for affordable housing, and Mr. Lyons said yes.

Councilor Wurzburger said her only comment is that some of the Councilors are concerned about trying to jump-start the economy again with respect to construction, noting Councilor Romero has been having very important meetings with the County as well. She said she is aligned philosophically with this, but we may need to look at some modifications in this economy as we move forward in trying to develop a plan to get things started again. She agrees that we should cover the costs. However, if we are covering

costs at the expense of further impacting the ability to build anything at all, then we may want to come back with amendments and a timeline. She wants to work with staff in this regard.

Councilor Calvert said we have reduced the amount of water each home is required to bring, and reduced the budget for each individual unit, which needs to be considered in the equation.

Mr. Lyons said we previously were requiring 1/4 afy for a new home, and we now are requiring .15 afy.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve this request, with the three amendments proposed.

VOTE: The motion was approved unanimously on a voice vote.

Chair Wurzbarger reiterated that this needs to go to the Homebuilders for comment before it goes to the City Council.

22. **REQUEST FOR APPROVAL OF RESOLUTION NO. 2010- _____. A RESOLUTION AMENDING RESOLUTION NO. 2009-121, CONSENTING TO THE INCLUSION OF THE MUNICIPALITY OF THE CITY OF SANTA FE WITHIN THE SANTA FE COUNTY RENEWABLE ENERGY FINANCING DISTRICT. (COUNCILOR CALVERT). (NICK SCHIAVO)**

MOTION: Councilor Romero moved, seconded by Councilor Trujillo, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

23. **REQUEST FOR APPROVAL OF RESOLUTION NO. 2010- _____. A RESOLUTION ADOPTING THE LANDSCAPE IRRIGATION STANDARDS (COUNCILOR CALVERT). (DAN RANSOM)**

MOTION: Councilor Trujillo moved, seconded by Councilor Calvert, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

24. **REQUEST FOR APPROVAL OF RESOLUTION NO. 2010- _____. A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO SUPPORT A LIVING SANTA FE RIVER BY ALLOWING WATER TO BYPASS McCLURE AND NICHOLS RESERVOIRS IN 2010 (MAYOR COSS, COUNCILOR CALVERT, COUNCILOR ROMERO, COUNCILOR TRUJILLO). (BRIAN DRYPOLCHER)**

MOTION: Councilor Trujillo moved, seconded by Councilor Romero for purposes of discussion, to approve this request.

DISCUSSION: Councilor Romero asked staff to walk through the recommendations by staff.

Mr. Drypolcher said Richard Ellenberg is here from the River Commission.

Mr. Drypolcher reviewed the information in his Memorandum of February 22, 2010, to the Public Utilities Committee regarding this matter.

Councilor Romero said measuring for the acequias is more a problem for the State Engineer's, than for the City,

Ms. Borchert said this is correct. She said there is a Court order to deliver water to the acequias, but we don't measure what is taken, and she doesn't believe anybody monitors how much is taken.

Councilor Romero asked if there have been efforts to get the acequias to look at ways they might be more efficient as well as to measure the water taken.

Ms. Borchert said she hasn't approached the issue of metering. She met with Phil Bove last week. She said staff is moving forward on a River Management Plan, where all the users on the River sit and determine who uses what and how, so we can all maximize the benefits of the water in the river. She said the meeting with Mr. Bove was with that intent in mind, for long term monitoring as well as in the short term. She said last year the Acequia Madre took water entirely from the hydro tank out of treated water going to their ditch. She said we are trying to determine how to incorporate their needs and senior water rights in the whole River Management Program, noting they are still working on it.

Councilor Romero said then staff is recommending is to strike the language because our hands would be tied in the long term, and in the interim to meet with the parties to iron out some of these issues.

Ms. Borchert said this is correct, and staff is responsible to use water resources in the best interests of the parties.

Ms. Borchert said there also is a legal concern we need to address.

Mr. Ellenberg asked to speak to the issue, noting that we have a very different view of the facts, and it would be useful for this Committee to hear that.

Chair Wurzbarger said we need to amend the agenda, because this is not a public hearing and has not been advertised as a public hearing, and asked the Committee its pleasure in this regard.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to amend the agenda to provide for public input on this item, and to approve the agenda as amended.

VOTE: The motion was approved unanimously on a voice vote.

PUBLIC TESTIMONY

Richard Ellenberg said he discussed this with Ms. Borchert, and they doesn't agree. He said last year the Council approved a general resolution without this sentence, and released 700 afy of water into the river. He said the acequias have long been a part of the City's water budget, and the City has to provide that water. He said last year, and for several years before that, the Acequia Madre, in particular, has received its water from potable water, not from water released in the river, largely because the City did such a good job of fixing leaks in the river that it was too dry for them to water through the river. He said it makes perfectly good sense to deliver water by the river that is untreated to it.

Mr. Ellenberg said the difference is making sure you understand the impact on what water people are seeing from the old Cristo Rey Church. Last year, you released 700 afy, plus 80-100 afy to the acequia through a separate means. This year, under the Resolution with the sentence deleted, you would release 700 afy, and out of that you would take 70-100 afy. So, you are reducing the amount of water the City is delivering for the river and acequias by 10-15%, and the amount of water that goes into the river below Cristo Rey by 10-15%. He said the River Commission sees this as simply maintaining the status quo of what you did last year, which is, depending on the amount of water in the reservoir, 700 afy, plus water for Acequia Madre.

Mr. Ellenberg understands the complications with measurement. However, the River Commission is proposing to add to the river flow the amount of the legal requirements, so there were no measurement issues. He said if the City meets its obligations, it would put more water in the River. He said the purpose was not to have an exact measurement of what the Acequia Madre takes, or dealing with return flows or any of the complicated issues which probably ought to be sorted out at the cost of substantial money and time. It was to add a simple means of measuring – if you meet your obligations, then put that much more water in the River. Now, we're getting back to the status quo of last year.

Mr. Ellenberg said he doesn't see the "slippery slope" issues detailed in the staff Memorandum. He said these are two acequias which have senior water rights to City and which have been part of the City's budget for a long time. This is a one year Resolution, so he doesn't see the problem in binding future Councils. He said how much is released is, of course, the Council's decision.

Chair Wurzbarger asked Marcus Martinez to comment.

Mr. Martinez pointed out that the Resolution offers up to 800 afy depending on projection. He said that amount could balance with all of the other interests. He said he supports the staff recommendation.

Chair Wurzbarger, responding to Mr. Ellenberg, said she understood the essence of his presentation was to get exactly what you had before.

Mr. Ellenberg said this is correct.

Councilor Calvert said there might be competing issues. He said one thing we were trying to do in the Resolution is to get a certain flow in the river. However, if we are taking a certain flow and subtracting something, then we're not getting the flow we were trying to get to simulate a living river. However, there is also how much is in the reservoir, and the City may not be able to honor everything to which we are committing if other conditions aren't met, such as how much is in storage and such. He said there are competing criteria, saying the overriding criteria is whether or not the City has the water to do this. He said the City is trying to simulate a natural flow of the River. He said if we set a certain amount, that would take care of all circumstances. If 700 afy was covering the natural flow, and 700 to 800 is allowed, depending on whether we have it, that would seem to cover the acequia situation.

Councilor Calvert said it would be nice if the acequias guaranteed a certain amount, then we would have some assurance they would take a certain amount and no more. He doesn't know if this is available on any acequia, saying he doesn't see any measurement, but there has to be a way if they are willing to do it.

Chair Wurzbarger said she thought she heard Ms. Borchert say, in the upcoming meetings around the long range water plan, that kind of discussion could come about. Ms. Borchert said this is correct. Chair Wurzbarger said we are talking about this Resolution as an interim solution. She wants to get away from Resolutions and every year trying to convince the River Commission that the City is committed to giving water, and wants to move beyond that discussion. She said the question before the Committee is how to deal with this Resolution for this year.

Councilor Calvert asked where in the Resolution does it say it will be 700-800 afy.

Ms. Borchert said on page 3, line 25, it provides that it is based on hydrologic condition – if it is 125% above average yield, it will be 800 afy, and if it 75-105% it will be 700 afy.

Ms. Borchert said Cerro Gordo hasn't taken its water from its river. Secondly, the City has 1,000 afy less storage than we did going into the water year last year, and we also are under Article 7 of the Rio Grande Compact. She said these are things staff considered when it suggested these numbers. She said we decided we can match year's numbers, knowing there always will be variances and that the acequias might take its water from this quantity, but realizing that we had to pump more groundwater this year than last. She said staff worked on the Resolution last month before we got these series of storms. She said there are changing conditions, and staff believes it has done what it can to honor the water for the river. She said the acequias provide the ace flow in the river, the return flow for the river, and only a fraction of the water is used for irrigation. The rest feeds the whole hydrological system around the River. So, it seems strange to separate the acequias as a whole different entity.

Councilor Calvert said then Ms. Borchert is said what is in the reservoir currently less than last year, and Ms. Borchert said this is correct. Councilor Calvert said last year we had earlier snow melt and a warmer spring, and perhaps the water might come in later and we might get the same amount. Ms. Borchert agreed.

[There were a lot of people talking at the same time here which made it difficult to transcribe anything.]

Councilor Calvert said the one sentence about the groundwater pumping is of concern, and we might end up pumping more groundwater. He said this goes against some of what we are trying to do long-range. He said one of the main reasons we have the Buckman is to preserve the groundwater/aquifer, and we're sort of going against that. He said this is a short range thing, but it "tweaks" him when we talk about that. We know it's been damaged somewhat which is sort of included in the WHEREAS, and asked if this is supposed to be justification.

Ms. Borchert said it is honesty, and we have competing interests. She said we can capture 90% of our water supply from surface water for the next 4-5 years. So, even though we might pump a little more this year to put water into the river, the projections for the future are really, really good.

Councilor Calvert asked if we will be doing further damage to the aquifer.

Ms. Borchert said we aren't damaging it, and we aren't to the point where we have subsidence, which is permanent damage.

CLARIFICATION OF THE MOTION: Councilor Romero asked if the motion includes following staff's recommendations, and Councilor Trujillo said that it does.

VOTE: The motion was approved unanimously on a voice vote.

Chair Wurzbarger suggested to staff, in the event it takes longer to do the negotiations than we would like, that we give some consideration to looking at Resolutions such as this one, in terms of timing. She said the debate might have been different if we were doing this in a month, and we knew the numbers. She said her reaction is that the River Commission is spending a lot of energy worrying about this and how much it is going to get. She issue, to her, has always been the flow. She said when we start these discussions prematurely, we may be spinning our wheels. She would like to see this where we're not doing this every year, and it's not a surprise. There is a clear commitment by the Council to putting water in the River, and would like to move the pieces together sooner, rather than later.

Responding to Councilor Calvert, staff said it appears we are on track with last year, and maybe a little better.

25. REQUEST FOR APPROVAL OF RESOLUTION NO. 2010- _____. A RESOLUTION AMENDING RESOLUTION NO. 2009-84, EXHIBIT A, GUIDELINES FOR THE CITY'S REBATE PROGRAM FOR THE INSTALLATION/RETROFIT OF EFFICIENT WATER CONSERVATION TECHNOLOGIES, IN ORDER TO INCLUDE ADDITIONAL REBATES FOR THE PURCHASE OF HIGH EFFICIENCY CLOTHES WASHER (COUNCILOR CALVERT). (DAN RANSOM)

Mr. Ransom said the idea of this is to fill a gap. He said people are still buying high efficiency washers, but couldn't qualify for a rebate. He said since we base our rebates on the water saved, this gives another category of savings and helps to take care of some of those kinds of things.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

ITEMS FROM STAFF

Mr. Snyder updated the work on Siler Road, noting an email went out to the Committee.

MATTERS FROM THE COMMITTEE

Councilor Romero said she and Councilor Trujillo sit on SWMA, and they will be presenting the financial meeting at the meeting on March 18, 2010. She said she wanted to reaffirm that all rates are increasing, particularly for solid waste, and there are issues which impact the rate structure: the downturn in the economy, the lack of the construction waste, and it is unfortunate that we didn't get the Villa Alegre waste. She invited the Committee to attend the meeting.

Councilor Romero said we aren't getting construction waste from the County Courthouse, not even the soil. She said the soil is treated on site and would have helped us. They chose to go to Rio Rancho because it was cheaper.

Chair Wurzbarger said Bill DeGrande is retiring and his last day is Friday. She asked that the record to acknowledge his contribution to the City as a director.

NEXT MEETING: WEDNESDAY, APRIL 7, 2010

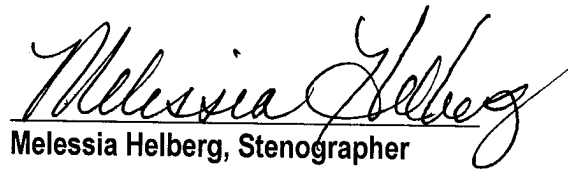
ADJOURN

There was no further business to come before the Committee.

MOTION: Councilor Trujillo moved, seconded by Councilor Romero, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at 6:40 p.m.

Rebecca Wurzburger, Chair


Melessia Helberg, Stenographer